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March 25, 2013

VIA ELECTRONIC MAIL

Karen Douglas, Commissioner and Presiding Member
Robert B. Weisenmiller, Chair and Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Bottle Rock Power, LLC (12-CAI-04)

Dear Commissioner Douglas and Chair Weisenmiller:

Bottle Rock Power's letter dated March 13, 2013, fails to remedy Bottle Rock's failure to comply with the Committee's February 6, 2013, Decision Sustaining Complaint Against Bottle Rock Power, LLC. ("Decision"). In that letter, Bottle Rock states it "anticipates the study to be completed and submitted to the Commission on or before April 15, 2013." First, Bottle Rock failed to meet the March 8th deadline in providing the required information. Second, providing the date that Bottle Rock "anticipates" completion of the Study fails to satisfy paragraph 6 of the Decision.

Paragraph 6 requires that on or before March 8, 2013, Bottle Rock Power shall "file a new surety bond in the principal amount of \$5 million, naming the California Energy Commission as obligee for closure and site restoration of the Bottle Rock Power Plant upon decommissioning." To invoke the stay, on or before March 8, 2013, Bottle Rock must "submit an engineering study establishing the costs of decommissioning the Bottle Rock Power Plant, or else provide documentation indicating that Respondent has entered into a contract for completion of such a study *and specifying the date by which the study will be completed and submitted to the Energy Commission for use in acting upon the amendment application.*" (Emphasis added.) Thus, the Decision requires a "date certain", not an "anticipated date." Such date should be specified in the contract with the consultant. Bottle Rock, however, refuses to provide the Committee a date certain by which the study will be completed and submitted to the Energy Commission. Moreover, Bottle Rock refuses to provide evidence to the Committee that it has entered into a contract for completion of the study and that the contract indicates the date by which the study will be completed and submitted. (See February 6, 2013, Order at ¶ 6.)

As previously stated by Mr. Coleman, Bottle Rock's refusal to specify the date is no mere oversight on Bottle Rock's part, but instead a continuing and flagrant disregard of the Committee and the Committee's February 6, 2013 Decision. Bottle Rock's March 6,

California Energy Commission

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12-CAI-04

TN # 70049

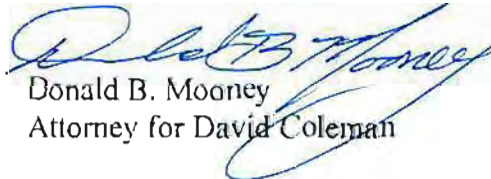
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2013 letter and March 8, 2013 Petition selectively quote only a portion of paragraph 6 regarding the contract for a decommissioning study. Both documents deliberately omitted the last part of the sentence which states: "and specifying the date by which the study will be completed and submitted to the Energy Commission for use in acting upon the amendment application." Having been put on notice that it failed to provide a date certain, Bottle Rock's response is to provide an anticipated date with no evidence that the consultant is bound by such date. That is not what the Committee's Decision ordered. Now for a third time, Bottle Rock refuses to provide the Committee a date certain of when the study will be completed and submitted.

As Bottle Rock has failed to satisfy the requirements to invoke the stay of the bond requirement, Mr. Coleman respectfully requests that the Committee direct Bottle Rock to submit a surety bond in the principal amount of \$5 million as required by the Committee's February 6, 2013 Order.

Sincerely,



Donald B. Mooney
Attorney for David Coleman

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

**In the Matter of the)
)
COMPLAINT AGAINST THE)
BOTTLE ROCK GEOTHERMAL)
POWER PLANT (79-AFC-4C))**

**Docket No. 12-CAI-04
Proof of Service**

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COMMISSION DOCKET UNIT

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 12-CAI-04

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DECLARATION OF SERVICE

I, Donald B. Mooney, declare that on March 18, 2013, I served and filed copies of the attached letter dated March 25, 2013 to Karen Douglas, Commissioner and Presiding Member Robert B. Weisenmiller, Chair and Associate Member. This document is accompanied by the most recent Proof of Service list, which I copied from the web page for this project at:

<http://www.energy.ca.gov/sitingcases/bottlerock/documents/index.html#cai-04>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, as appropriate, in the following manner:

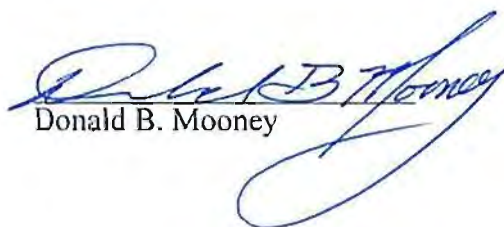
For service to all other parties and filing with the Docket Unit at the Energy Commission:

X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

_____ Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: March 25, 2013


Donald B. Mooney